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EXAMINER

D AGOSTA, STEPHEN M

ART UNIT PAPER NUMBER

2683

DATE MAILED: 10/20/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/745,579

Examiner

Stephen M. D'Agosta

Applicant(s)

PIRKOLA ET AL.

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17 and 19-21 is/are rejected.
- 7) ☒ Claim(s) 16, 18, 22 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

1. A new examiner, Stephen D'Agosta, has been assigned to this case.
2. New art has been provided and a new rejection is shown below.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-15, 17 and 19-21 rejected under 35 U.S.C. 103(a) as being unpatentable over Prior et al. US 6,349,220 and further in view of Bates et al. US 5,339,388, Bertram et al. US 5,805,159 and Beyda et al. US 6,005,573.**

Regarding **claim 1**, teaches a hand held communication device [FIG.1] comprising a display [FIG. 1, numeral 3], said display in use have a plurality of different active regions, at least one function being selectable via ~~at least one~~ each active region and a touch sensitive region [FIG.6a, numeral 60], said touch sensitive active region area being arranged so that movement with respect to the touch sensitive area region causes an indicator to move across said display wherein said indicator is arranged to move only from one region to another [col.1, lines 25-63, col.4, lines 47-67; col.5, lines 1-5] **but is silent on only moving from one active region to another.**

The examiner notes that Prior teaches multiple "active" regions. If one or more regions are not active (ie. not part of the program, not part of a function being

performed, prohibited via security, etc.) then one skilled would provide smart software that automatically skips these regions so as not to cause the user to scroll/navigate past these areas.

Cursor movement limitation is known in the art. **Beyda** teaches limiting scroll/movement of a cursor in a computer application (abstract, figures 1-8). **Bates** teaches a cursor lock region so that two users cannot simultaneously manipulate a shared data object (abstract) while **Bertram** shows a computer data input screen that would have only applicable input fields accessible (abstract and figured 8, 9).

It would have been obvious to one skilled in the art at the time of the invention to modify Prior, such that the indicator moves only from one active region to another, to provide means for the user to only access regions it should based on each operation.

Regarding **claim 2**, teaches a device wherein said touch sensitive region is arranged to detect movement of a users finger across the touch sensitive region [col.1, lines 48-63; col.4, lines 47-67; col.5, lines 1-5].

Regarding **claim 3**, teaches a device wherein said touch sensitive region is arranged to detect movement of a tool across the touch sensitive region [col.1, lines 48-63; col.4, lines 47-67; col.5, lines 1-5].

Regarding **claim 4**, teaches a device wherein said touch sensitive region comprises a surface [col.1, lines 48-63; col.4, lines 47-67; col.5, lines 1-5].

Regarding **claim 5**, teaches a device wherein said touch sensitive region is a touch pad [col.1, lines 48-63; col.4, lines 47-67; col.5, lines 1-5; col.5, lines 26-32].

Regarding **claim 6**, teaches a device wherein said touch sensitive region comprises a rolling means [FIGs. 10 & 11; col.1, lines 48-51; col.7, lines 61-67; col.8, lines 1-6].

Regarding **claim 7**, teaches a device said rolling means is arranged to move said indicator in two directions about a single axis [FIGs. 10 & 11; col.1, lines 48-51; col.3, lines 33-60; col.7, lines 61-67; col.8, lines 1-6].

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Regarding **claim 8**, teaches a device wherein said rolling means is arranged to move said indicator in a plane containing two perpendicular axis [FIGs. 10 & 11; col.1, lines 48-51; col.3, lines 33-60; col.7, lines 61-67; col.8, lines 1-6].

Regarding **claim 9**, teaches a device wherein said touch sensitive region is arranged on a first side of said device and said display is arranged on a second side [FIGs. 6 & 7; abstract; col.1, lines 25-37].

Regarding **claim 10**, teaches a device wherein said first and second sides are opposite one another [FIGs. 6 & 7; abstract; col.1, lines 25-37].

Regarding **claim 11**, teaches a device wherein said touch sensitive region is provided in conjunction with said display to provide a touch sensitive display [col.1, lines 48-63; col.4, lines 47-67; col.5, lines 1-5].

Regarding **claim 12**, teaches a device wherein said indicator is a cursor [col.1, lines 38-47].

Regarding **claim 13**, teaches a device wherein said device is a mobile telephone [abstract; FICA; col.1, lines 25-31 ].

Regarding **claim 14**, teaches a method of controlling a hand held communication device [FIG.1] comprising a display in use having a plurality of different active regions, the method comprising the steps of operating a touch sensitive region [FIG.6a, numeral 60] so as to cause an indicator to move across a the display [FIG. 1, numeral 3] of the communication device, controlling the indicator to move only from one active region to another across the display and selecting a function associated with the active region where the indicator is located when said selection step is performed [col.1, lines 25-63, col.4, lines 47-67; col.5, lines 1-5].

As per claims 15 and 20, Prior teaches the device of claim 1 but is silent on wherein the movement of the indicator in a direction of one of the active regions causes the indicator to automatically position itself within the active region.

Bertram teaches a data input screen/program that would automatically skip over fields that are not applicable (eg. "data admission ICU" if the person had never been admitted).

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It would have been obvious to one skilled in the art at the time of the invention to modify Prior, such that indicator movement causes automatic position over an active region, to provide means for the program to understand where the next active region is so the user does not have to navigate through unneeded fields/regions.

As per **claims 17 and 21**, Prior teaches claim 1 wherein the indicator is initially displayed over one of the active regions of the display and can only be moved to another active region of the display.

The examiner notes that Prior teaches multiple "active" regions. If one or more regions are not active (ie. not part of the program, not part of a function being performed, prohibited via security, etc.) then one skilled would provide smart software that automatically skips these regions so as not to cause the user to scroll/navigate past these areas.

Cursor movement limitation is known in the art. **Beyda** teaches limiting scroll/movement of a cursor in a computer application (abstract, figures 1-8). **Bates** teaches a cursor lock region so that two users cannot simultaneously manipulate a shared data object (abstract) while **Bertram** shows a computer data input screen that would have only applicable input fields accessible (abstract and figured 8, 9).

It would have been obvious to one skilled in the art at the time of the invention to modify Prior, such that the indicator is initially displayed over an active region AND only moves between active regions, to provide means of automatically locating the indicator/cursor in areas that are pertinent/active.

As per **claim 19**, Prior teaches claim 1 **but is silent on** wherein the display is adapted to only associate the indicator with one of the active regions on the display and not any position on the display therebetween.

The examiner notes that Prior teaches multiple "active" regions. If one or more regions are not active (ie. not part of the program, not part of a function being performed, prohibited via security, etc.) then one skilled would provide smart software

that automatically skips these regions so as not to cause the user to scroll/navigate past these areas.

Cursor movement limitation is known in the art. Beyda teaches limiting scroll/movement of a cursor in a computer application. Bates teaches a cursor lock region so that two users cannot simultaneously manipulate a shared data object while Bertram shows a computer data input screen that would have only applicable input fields accessible.

It would have been obvious to one skilled in the art at the time of the invention to modify Prior, such that the display only associates the indicator with one of the active regions on the display and not any other, to provide means for only navigating the indicator/cursor on pertinent/active areas for each application.

#### **Allowable Subject Matter**

Claims 16, 18 and 22-23 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


#### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 703-306-5426. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

SMD  
10-6-03

  
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